

IN THE HIGHCOURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 7248 (S/S) OF 2001

Udai Veer Singh S/o Shri Gulshan Singh

R/o Village Khempur, Tehsil Gadarpur,

District Udham Singh Nagar

...Petitioner

Versus

1. State of Uttaranchal through Basic Shiksha Adhikari Dehradun.
2. Basic Shiksha Parishad Udham Singh Nagar,
3. Zila Basic Shiksha Adhikari Udham Singh Nagar.

...Respondents

Sri Khalil Ahmad, Advocate, Counsel for the petitioner
Standing Counsel for the respondents.

Dated 10.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Khalil Ahmad, Advocate counsel for the petitioner Standing Counsel for the respondent No. 1,2, &3, and Sri Sudhir Singh, Advocate, counsel for the N.C.T.E.

By the present writ petition, the petitioner has prayed for a writ of mandamus to issue the appointment letter to the petitioner for the post of B.T.C. teacher forthwith.

Briefly stated, the petitioner has passed B.A. in the year 1994, and thereafter passed the examination from Bihar Pradesh Shiksha Parishad Sripalpur Patna in the

year 1993. The petitioner has applied for the special B.T.C. course having been passed from the Bihar Pradesh Shiksha Parishad. The counter affidavit has been filed wherein paragraph-4 it has been stated as under:-

“that in reply to the averments made by the petitioner in their writ petition it is stated thereof that the petitioners are not entitled to be appointed as an Assistant Teacher in Basic Schools in view of the Government order dated 18.11.1997, by means of which only B.T.C. trained teacher were made eligible to be appointed of the said post.”

According to the Standing Counsel, by virtue of the Government order dated 11.8.2001 the petitioner is not entitled for the appointment of Assistant Teacher as well as it appears from the aforesaid notification that since the institution is not recognized from the National Counsel for the Teacher's education. Therefore, the petitioner is not entitled for any relief. It will be open for the institution to apply for the recognition which shall be considered in accordance with law.

In **State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya, 2006, A.I.R. SCW 2048**, it has been held as under:-

“it is thus clear that the Central Government has considered the subject of Secondary Education and Higher

Education at the national level. The Act of 1993 also requires Parliament to consider Teacher Education System 'throughout the country'. NCTE, therefore, in our opinion, is expected to deal with applications for establishing new B.Ed. colleges or allowing increase intake capacity, keeping in view 1993 Act and planned and co-ordinated development of teacher-education system in the country."

The petitioner shall be entitled for the relief in the event aforesaid conditions of National Council for Teacher's Education is followed. Petitioner is permitted to make a representation to the concerned authority, if he fulfills the conditions framed by the N.C.T.E.

Subject to above, writ petition is dismissed.

10.7.2006

(Rajesh Tandon, J.)